



**MEAT IMPORTERS COUNCIL OF AMERICA, INC.**

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USDA  
Agricultural Marketing Service,  
Room 2085-S, Mail Stop 0299,  
1400 Independence Ave. SW,  
Washington DC 20250-0299

Attention: Docket Clerk

**Re: Request for Comments on Country of Origin Regulations**

This submission is provided on behalf of the Meat Importers Council of America, Inc. ("MICA") pursuant to the USDA AMS news release of October 8, 2002 soliciting comments on the Interim Voluntary Country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts Under the Authority of the Agricultural Marketing Act of 1946, published in the Federal Register on October 11, 2002, Volume 67, Number 198 Page 63367-63375, Docket Number LS-02-13.

MICA is an incorporated trade association, which represents the U.S. industry that imports fresh, chilled and frozen beef into the United States. MICA's regular members are importers who account for most of the non-NAFTA imports of this product. MICA's membership also includes organizations such as port authorities, refrigerated warehouses, customhouse brokers, etc. who provide services in connection with this imported product, as well as users of the same.

MICA is opposed to mandatory country of origin labeling, the motivation of which is clearly to restrict trade in imported products by discouraging use by processors and retailers through the resulting increase in the costs that will be associated with compliance. This position has been further substantiated following the publication of the interim voluntary regulation. There are a number of elements of the voluntary regulation that raise serious concerns should these regulations be mandated as required by the legislation.

A mandatory scheme cannot be implemented without also requiring an animal identification and trace back system, in the United States, for all imported and domestic meat and

cattle alike. It is a moot point that a specific animal identification and trace back scheme has not been mandated. All this means is that, theoretically, different schemes can be employed throughout the industry. In other words while the specific scheme is not mandated by the regulation “a scheme” is effectively mandated as it would be impossible to comply without one. Consequently, while the regulation appears to be literally consistent with the stipulation of congress that no animal identification or trace back method be mandated, it is clearly not consistent with the intent of congress that the industry should not be burdened with the cost of an animal identification and trace back scheme.

A further implication of the regulation as published is that there will have to be individual identification and segregation of all cattle imported from Canada and Mexico in order to be able to comply, particularly if ultimately destined to be slaughtered in the United States. Segregation of imported cattle by country of origin would be essential so that only cattle imported from one specific country are slaughtered during a production run to ensure there is separation of product by country of origin through to the retail store. Product from animals born raised and slaughtered in the United States would have to be packed and stored separately from product derived from imported animals which would also have to be packed and stored separately by each country of origin. This will be necessary to enable retailers to know the country of origin of all the individual cuts in a carton as well as to enable processors to determine the percentage of product from different sources and therefore comply with the requirement to list the origin on the label by order of percentage composition of the final product.

It would not be sufficient to only require identification and trace back of imported meat and animals. If domestic animals are not clearly and specifically identified from birth as being of United States origin then it would be easy to remove any identification associated with imported cattle and simply advise that they were born and raised in the United States.

The labeling requirements described by the regulation are excessive for products such as ground beef that may be derived from several countries. Even if animal identification and trace back did exist the number of different labels required by the processor would clearly constrain their flexibility in sourcing product. For example ground beef produced in a processing plant, packed in controlled atmosphere packaging and sent to retailers for sale in their fresh meat department, may contain beef from several countries.

Imported product is an important source of lean beef to mix with domestic fat trimmings, as the availability of lean beef in the United States is insufficient to meet this market requirement. Mandating country of origin labeling for this product would mean that production runs must be stopped to change packaging materials whenever there is a change in the country of source (e.g. a change from an Australian source to a New Zealand or U.S. source), or when a change in the percentage of product from different countries means there is a changes in their ranking in the composition of the final product. Consequently what is essentially the same product will be required to carry different labels.

In the event that the regulation does become mandatory there are serious doubts that it would survive a WTO challenge. The regulation would clearly discriminate against imported cattle and beef because cattle imports for feeding and/or slaughter would be discouraged by the

increased complexity associated with the identification, segregation, and labeling requirements mandated to allow the resulting product to be sold at retail.

Thank you for the opportunity to provide comments.

Sincerely yours,

Laurie Bryant  
Executive Director  
Meat Importers Council of America, Inc.